

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 3123 – SB 3160**

February 28, 2010

**SUMMARY OF BILL:** Broadens the definition of “pecuniary benefit” to include any employment, loss of employment or appointment to any position, public or private, that a public servant would receive any taxable compensation. States that bribery of a public servant includes when elected officials, under specific circumstances, conspire to vote for or against legislation when the benefit is to the district or districts the official represents. Establishes a procedure for a citizen to petition the Attorney General to pursue such a bribery case against an elected official.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$24,600/Incarceration\***

Assumptions:

- Currently it is a Class B felony for a person to bribe a public official. Bribery of a public official includes offering or conferring any pecuniary benefit to a public servant with the intent to influence the public servant’s vote, opinion, or judgment. It is also a Class B felony for a public servant to accept or agree to accept a bribe.
- It is a Class E felony for a public servant to request a pecuniary benefit for the performance of an official action knowing that he or she was required to perform that action without compensation or at a lower rate of compensation that was requested.
- It is a Class C misdemeanor for a person to bribe a juror by offering any pecuniary benefit with the intent to influence the juror’s vote or for a juror to solicit or accept any pecuniary benefit for a particular vote.
- According to the Department of Correction (DOC), there has been an average of one admission per year for the past 10 years for bribery of a public servant and an average of one admission every other year for attempting to bribe a public servant. DOC estimates an increase of one admission every five years for the Class B felony offense of bribery of a public servant as a result of this bill.
- According to the U. S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every five years.
- According to DOC, the average operating cost per offender per day for calendar year 2010 is \$59.86. The average post-conviction time served for a Class B felony is 5.63 years (2,056.36 days). The cost per offender at 5.63 years is \$123,093.71 (2,056.36 days)

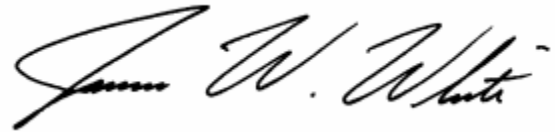
x \$59.86 = \$123,093.71). The annualized cost per conviction is \$24,618.74 (0.20 annual number of convictions x 2,056.36 days x \$59.86).

- Any cost for additional cases for the state trial courts can be accommodated within existing judicial resources without an increased appropriation.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a more stylized, connected manner.

James W. White, Executive Director

/lsc